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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/716,760 | 11/19/2003 | Young-Sik Choi | P06586US00 | 6200 |
| 22885 | 7590 | 12/29/2004 | EXAMINER | |
| MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721 | | | ASHLEY, BOYER DOLINGER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3724 | |

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,760

Applicant(s)

CHOI ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 20-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

It should be noted that applicant's new set of claims filed with the election failed to include the previous amendment to claim 10. However, because claim 10 has not been elected (see below) the examiner will not send out a non-compliant amendment notice. It is assumed that there are no other problems with the current set of claims. Applicant is request to correct all subsequent amendments.

Election/Restrictions

1. Applicant's election of Species IV in the reply filed on 12/8/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 6-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/8/04.

Priority

3. Acknowledgment is made of applicant's claims for foreign priority based on an applications filed in Korea on 11/19/02 and 11/28/02. It is noted, however, that applicant has not filed a certified copy of the 2002-71907 or 2002-74611 applications as required by 35 U.S.C. 119(b).

Drawings

4. The drawings are objected to because the underline signs "10", "100", "200", "300", "400" should have lead lines pointing in the general direction of the devices

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instead of underlinings; underlined reference characters are used we the reference characters are placed on the elements. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because, as stated above, should refrain from using language such as "disclosed is ..."; also it is awkwardly worded, e.g., lines 4-5. Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because of the following informalities: on page 15, lines 24-31 and page 16, lines 1-5; the specific language is confusing, in that, it is awkwardly worded such that one can not discern how the nail clipper is intended to employed. Appropriate correction is required.

Claim Objections

8. Claims 1-3 are objected to because of the following informalities:

Claim 1 is awkwardly worded, for example, the phrase "which are provided at one ends of the upper blade and the lower blade" and the phrase "... being bent toward the blade body". In this case, the first phrase appears to be grammatically incorrect while the second phrase is confusing because it is not clear how the cutting edges of the blade body are bent toward the blade body. It appears the that cutting edges are bent toward each other. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Bowers, U.S. Patent 3,316,632.

Bowers discloses the same invention as claimed including, e.g., a blade body having an upper blade (40) and cutting edge (42), a lower blade (38) and cutting edge (44), the upper and lower blades are joined to each at one end (50), wherein the cutting edges of the upper and lower blades are bent toward each other with a first curvature (the curved end portions as shown in Figures 7 and 8, that is, the bent portion or the side to side curved portion as shown in Figures 1 and 4) and a second curvature (the curved end portions as shown in Figures 7 and 8, that is, the bent portion or the side to side curved portion as shown in Figures 1 and 4) relative to the body; a lever/cover (14) associated with the blade body at a position adjacent to the end near the cutting edges for applying force to the cutting edges.

As to claim 2, the first curvature (the curved portion shown in Figures 1 and 4) of the cutting edges corresponds to that of a nail end.

As to claim 3, the second curvature (the curved portion shown in Figures 1 and 4) of the cutting edges corresponds to a sectional curvature a nail end.

It should be noted that claims 2 and 3 attempt to define the invention in terms of the workpiece (nail of a user); however, the intended workpiece does not serve to distinguish the claim structure from the prior art.

As to claim 4, the above explanation applies with the following modification. The casing includes elements 16, 18 and 20 which are capable of releasing the blade body

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through element 50. A lever (14) is combined with the casing and adjacent cutting edge end of the blade body, wherein the lever applies a force to the cutting edges.

As to claim 5, the blade body includes an aperture at the other end (opposite the cutting edge, see 50).

As to claim 17, the above explanation applies with the following modification. The casing includes elements 14, 16, 18 and 20, wherein the casing receives the blade body and applies a force to the cutting edges.

As to claim 18, the casing includes, e.g., a bottom wall (30), sidewalls (26 and 28), a rear wall (the end portion of 14 curved downwardly and extending upwardly from the bottom wall as shown in Figure 6) and connected with the sidewalls. A traverse member (52) extending between the sidewalls and capable of fixing the blade body to the casing.

As to claim 19, the sidewalls include a rectangular shaped thru-hole (54) at a lower portion (see Figure 8).

Allowable Subject Matter

11. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

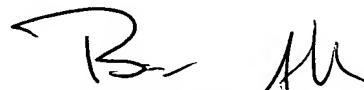
The prior art references are cited to show similar nail clippers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley
Primary Examiner
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BDA
December 23, 2004